THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 7003 of 1998

Date: 28.03.2007

Between:

K. Muneendra.

..... PETITIONER

AND

The Registrar of Cooperative Societies,
Government of A.P., Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 7003 of 1998

Order:

The petitioner states that he has been working as Bill Collector in the 2nd respondent-Bank on daily wage basis from 22.08.1983 onwards. His grievance is that he is entitled for regularization as per G.O. Ms. No.212, Finance and Planning (FW, PC-III), Department, dated 22.04.1994, but the respondents failed to consider his case for regularization of his services, despite submitting several representations. Hence, he filed the present writ petition seeking to direct the respondents to regularize his services in terms of G.O. Ms. No. 212, dated 22.04.1994.

A counter affidavit is filed by the respondents denying the allegation of the petitioner that he was appointed as Bill Collector in the 2nd respondent-Bank on daily wages and *inter alia* stating that the petitioner was appointed as 'Day Deposit Collection Agent'. It is stated that the petitioner also executed a memorandum of agreement on 19.08.1983 agreeing to collect day deposit amounts from the customers and remit the same into the Bank on commission basis, and accordingly, the petitioner has been receiving commission @ 1.5% on the day deposit amounts collected by him. It is further stated that the post of 'Day Deposit Collection Agent' is a part time job, and the same is not covered under the staffing pattern approved by the

1st respondent and it is purely an agreement made by the Bank temporarily for collection of deposits and liable to be terminated at any time without notice as per Clause 8 of the Agreement. It is further stated that G.O. Ms. No. 212, dated 22.04.1994, is applicable only to those who

are working as NMRs/Daily Wage Workers, and since the petitioner was not appointed against the posts specified/approved by the 1st respondent and as he is only 'Day Deposit Collection Agent', he is not entitled for regularization.

Heard the learned counsel for the petitioner, learned Government Pleader for Co-operation appearing on behalf of the 1st respondent, and the learned counsel for the

2nd respondent-Bank.

Though the learned counsel for the petitioner contended that as per G.O. Ms. No. 212, dated 22.04.1994, the petitioner is entitled for regularization, he failed to produce any material before this Court to show that the said G.O. is applicable to the case of the petitioner. On the other hand, a perusal of the counter averments would clearly go to show that G.O. Ms.

No. 212, dated 22.04.1994, is applicable only to those who are working as NMRs/Daily Wage Workers against the sanctioned posts, and since the petitioner is working as 'Day Deposit Collection Agent', which is a part time job and not a sanctioned post, the said G.O is not applicable to the case of the petitioner. Apart from that, it is clear from the memorandum of agreement, dated 19.08.1983, executed by the petitioner that the petitioner himself agreed to work as 'Day Deposit Collection Agent', and to collect day deposit amounts from the customers and remit the same into the Bank on commission basis, and for the said work, he has been receiving commission @ 1.5% on the day deposit amounts collected by him. In that view of the matter,

I am of the considered view that G.O. Ms. No.212, dated 22.04.1994, is not applicable to the case of the petitioner.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 28.03.2007
Nsr